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#2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : PCT/EP2002/007299
APPLICANT : Valerij Tatarsky
FILED : July 2, 2002
FOR : ORGANOMETALLIC ANTITUMOR AGENT
ART UNIT : TBA
EXAMINER : TBA

December 20, 2004

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**STATEMENT ACCOMPANYING PETITION FOR REVIVAL
OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

SIR:

The above-identified application became abandoned as to the United States because the fees required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) and (c) or 1.495(b) or (c) as applicable). The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due.

Applicant hereby encloses the Petition For Revival of an Application for Patent Abandoned Unintentionally along with the proper documentation. The Commissioner is hereby authorized to charge the Petition to Revive Unintentionally Abandoned Application Fee of \$750.00 for a small entity to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By 

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

101215-170

First named inventor: Valerij TATARSKY

Application No.: PCT/EP2002/007299

Art Unit: TBD

Filed: July 2, 2002

Examiner: TBD

Title: ORGANOMETALLIC ANTITUMOR AGENT

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of payment of the US basic National fee (identify type of reply):

☐ has been filed previously on 01/10/2005 GFREY1 00000049 141263 10519419
☒ is enclosed herewith. 04 FC:2453 750.00 DA

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

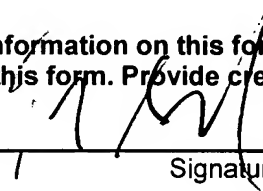
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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<u></u> Signature	<u>December 17, 2004</u> Date
<u>Bruce S. Londa, Norris McLaughlin & Marcus, PA.</u> Typed or printed name	<u>33,531</u> Registration Number, if applicable
<u>875 Third Avenue, 18th Fl., NY, NY 10022</u> Address	<u>212-808-0700</u> Telephone Number

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Transmittal Letter filing application with enclosures

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as ~~first class~~ mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

22 Dec. 2004
Date


Signature

Laurie Olds
Typed or printed name of person signing certificate